IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

Crl.Rev.Pet.No. 2429 of 2007()

CC.513/2005 of JUDL.MAGISTRATE OF FIRST CLASS, SULTHANBATHERY

.....

REVN. PETITIONER: DEFACTO-COMPLAINANT

ANNAMMA, W/O.LATE XAVIER, AGED 42 YEARS
THADATHIL HOUSE, PUTHUKKAD, P.O.NARIKUND,
AMBALAVAYAL AMSOM DESOM, S.BATHERY TALUK,
WAYANAD DISTRICT.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: ACCUSED & STATE

---

1. PRASAD,
S/O.THANKAPPAN, AGED 47 YEARS, MURIPPEL HOUSE,
ANDOOR, AMBALAVAYAL.

2. SALEEM, S/O.KUNJALANKUTTY,
AGED 34 YEARS, KOOVANGATTU, MAJNAPPARA,
AMBALAVAYAL.

3. THE STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.2429 of 2007

Dated this the 26th day of July, 2007

O R D E R

The revision petitioner is the defacto complainant in C.C.No.513/05 with respect to the offences under Sections 341, 323, 324, 354 read with Section 34 of IPC.

2. The prosecution case is that on 27.7.2005 at about 4.00 p.m., the accused with the common intention to cause hurt to PW2, wrongfully restrained her and A1 in furtherance of the common intention voluntarily caused hurt to her by hitting with a stone on her face and also outraged her modesty and A2 caused hurt to her by beating with hand on her face.

3. The evidence adduced in the matter consisted the testimony of PWs' 1 to 13 and Exts. P1 to P5.

4. It is seen from the evidence adduced, as noted by the court below, that the testimony of PW2 the alleged victim is totally at variance with the medical evidence. The court below has considered the evidence meticulously and has found that the

version of PW2 stands uncorroborated and unconvincing and hence acquitted the accused. I find that the matter is not fit to be admitted. Hence, the revision petition is dismissed in limine.

K.R.UDAYABHANU,
JUDGE

csl